

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

GARY LYNN BONNER,

Civil Case No. 09-364-SU

Plaintiff,

O R D E R

v.

**UNION PACIFIC FLEXIBLE BENEFITS
PROGRAM, (the "Plan"); UNION PACIFIC
CORPORATION** the Plan sponsor; All Fiduciaries
of the "Plan"; and the Administrator of the "Plan",

Defendants.

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KING, Judge:

The Honorable Patricia Sullivan, United States Magistrate Judge, filed Findings and Recommendation on July 19, 2010. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. Lorin Corp. v. Goto & Co., Ltd., 700 F.2nd 1202, 1206 (8th Cir. 1983); See also Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Sullivan's Findings and Recommendation dated July 19, 2010 (#66) in its entirety.

IT IS HEREBY ORDERED that Defendants' Motion to Dismiss (#63) is granted. Defendants' Counterclaims are dismissed without prejudice.

DATED this 9th day of August, 2010.

/s/ Garr M. King
GARR M. KING
United States District Judge